

## MITCHELL L. PASHKIN, ATTORNEY AT LAW

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Honorable Eric N. Vitaliano  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Desir v Florida Capital Bank, N.A., et. al  
1:18-cv-02630-ENV-JO  
Motion to Set Briefing Schedule and for Extension of Time to Answer

May 31, 2018

Dear Judge Vitaliano

I represent Defendant Florida Capital Bank. N.A. My client's Answer or response to Plaintiff's Complaint is due today. My client wishes to make a motion per FRCP 12(b)(6) and FRCP 12(e) in lieu of filing an Answer. Since your Individual Rules require the submission of a proposed Briefing Schedule prior to the filing of a motion in a pro se case, below is a proposed Briefing Schedule for the above motion. In addition, to protect against my client being considered in default for not having filed an Answer or Motion by today, my client also requests an extension of time to answer or move to the date set forth below for my client to file the above motion or to the date set by this court for my client to file the above motion.

The undersigned on behalf of his client also is requesting an extension of time to Answer or respond to the Complaint based on the undersigned being tied up meeting several pending deadlines for submission of briefs in various cases as well as having been tied up in court during a substantial amount during the last several days.

The proposed Briefing Schedule is as follows:

Defendant Florida Capital Bank. N.A. shall serve its Motion on or before June 21, 2018;  
Plaintiff shall serve her Opposition on or before July 19, 2018; and  
Defendant Florida Capital Bank. N.A. shall serve its Reply and file the fully briefed Motion on or before July 31, 2018.

I have tried several times over the last few days to call Plaintiff regarding her consent to the above requested extension of time and Briefing Schedule. Each time I call, I get the following message: "The person I am trying to reach is not able to receive your call"

Sincerely,  
*Mitchell L. Pashkin*  
Mitchell L. Pashkin

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this date I have served this document on Plaintiff by mailing a true copy of the same to Plaintiff at the following address:

Carlyne Desir  
1211 Atlantic Court  
Kissimmee, FL 34759